



House of Representatives

General Assembly

File No. 98

February Session, 2014

House Bill No. 5482

House of Representatives, March 25, 2014

The Committee on Housing reported through REP. BUTLER of the 72nd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING PUBLIC HOUSING GRIEVANCE PROCEDURES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-68f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2014*):

3 Each housing authority [which] that receives or has received
4 financial assistance under any state housing program, and the
5 Connecticut Housing Finance Authority or its subsidiary when said
6 authority or subsidiary is the successor owner of housing previously
7 owned by a housing authority under part II or part VI of this chapter,
8 shall, for housing [which] that it owns and operates, (1) provide each
9 of its tenants with a written lease, (2) adopt a procedure for hearing
10 tenant complaints and grievances, (3) adopt procedures for soliciting
11 tenant comment on proposed changes in housing authority policies
12 and procedures, including changes to its lease and to its admission and
13 occupancy policies, and (4) encourage tenant participation in the
14 housing authority's operation of state housing programs, including,

15 where appropriate, the facilitation of tenant participation in the
16 management of housing projects. If such housing authority or the
17 Connecticut Housing Finance Authority or its subsidiary operates both
18 a federal and a state-assisted housing program, it shall use the same
19 procedure for hearing tenant grievances in both programs. The
20 Commissioner of Housing shall adopt regulations in accordance with
21 the provisions of chapter 54 to establish uniform minimum standards
22 for the requirements in this section. If such regulations have not been
23 adopted by October 1, 2014, the commissioner shall submit a report on
24 said date in accordance with the provisions of section 11-4a to the joint
25 standing committee of the General Assembly having cognizance of
26 matters relating to housing. Such report shall detail the reasons why
27 such regulations have not been adopted.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2014	8-68f
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HSG *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill has no state or municipal fiscal impact from extending a requirement to implement tenants' rights and grievance procedures to all housing authorities¹ that have received state assistance.² The bill does not specify whether the state can reclaim any portion of state assistance provided in the event that such authorities do not implement the procedures.

The bill also requires the Department of Housing (DOH) to submit a report to the Housing Committee if the agency does not adopt regulations pursuant to C.G.S. 8-68f by October 1, 2014. There is no fiscal impact as DOH has completed the regulations which will be adopted pending legislative approval.

The Out Years

State Impact: None

Municipal Impact: None

¹ Local housing authorities are autonomous governmental entities which are generally funded by the U.S. Department of Housing and Urban Development (HUD), but may also receive state grants. The authorities operate under HUD regulations for federal developments, and both the Connecticut Housing Finance Authority and the Department of Housing (DOH) for state developments.

² Current law requires authorities presently receiving state assistance to implement the procedures.

OLR Bill Analysis**HB 5482*****AN ACT CONCERNING PUBLIC HOUSING GRIEVANCE PROCEDURES.*****SUMMARY:**

This bill extends to housing authorities that previously received state assistance a requirement to implement tenants' rights and grievance procedures (see BACKGROUND). In practice, the Department of Housing (DOH) (formerly the Department of Economic and Community Development) already requires these authorities to implement the procedures.

Since October 1, 2000, the law has required (1) housing projects that presently receive state assistance and (2) moderate-income rental housing or elderly housing that the Connecticut Housing Finance Authority (CHFA) or its subsidiary owns, and that a housing authority previously owned, to implement the procedures.

Since that date, the law has required DOH to adopt regulations establishing uniform minimum standards for tenants' rights and grievance procedures, but, to-date, none have been adopted. If on October 1, 2014, regulations still have not been adopted, the bill requires the commissioner to submit a report to the Housing Committee on that date detailing the reasons why.

The law, unchanged by the bill, requires a housing authority, or CHFA or its subsidiary, to use uniform grievance procedures if it operates both federally and state-funded housing projects.

The bill also makes a technical change.

EFFECTIVE DATE: July 1, 2014

BACKGROUND***State Rights and Grievance Procedures***

State law requires housing authorities receiving state assistance, and CHFA or its subsidiary when either is the successor owner of moderate-income rental housing or housing for elderly people previously owned by a housing authority, to:

1. provide their tenants with a written lease,
2. adopt a procedure for hearing tenant complaints and grievances,
3. adopt procedures for tenants to comment on proposed housing authority policy and procedure changes, and
4. encourage tenant participation in the housing authority's operation of state housing programs.

Federal Grievance Procedures

Federal regulations require housing authorities operating federally funded housing projects to adopt grievance procedures giving tenants the opportunity for a hearing. The authorities must include these procedures, or refer to them, in the lease. They must also give tenants at least 30 days notice before changing the procedures and provide an opportunity for written comments.

Under the procedures, a tenant must present his or her grievance in person or in writing to the authority to see if the parties can resolve the dispute informally without a hearing. The authority must make a written record of the meeting and send a copy to the tenant.

If a tenant is not satisfied with the outcome of the meeting, he or she may submit a written request for a hearing stating the reason for the grievance and the relief he or she seeks. In that case, the authority appoints a hearing officer or hearing panel in the manner the grievance procedures specify and must comply with the decision. The decision does not block the tenant from taking legal action (24 CFR 966. 51 et seq.).

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 10 Nay 0 (03/11/2014)